

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.7524 of 2014 (O&M)
Date of decision: August 23, 2016

Mohinder Pal & another ...Appellants

Versus

Surinder Kumar & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vinod Singh, Advocate for
Mr. Ravinder Malik (Ravi), Advocate for the appellants.
Ms. Monika Jangra, Advocate for
Ms. Vandana Malhotra, Advocate for insurance company-
respondent No.3.

Rajan Gupta, J.(oral)

Present appeal has been preferred by the appellants dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellants submits that tribunal has erred in not granting adequate compensation under usual heads like love and affection, funeral expenses, loss of estate etc. He, thus, submitted that reasonable amount may be granted to the appellants under the aforesaid heads.

Learned counsel for the respondent No.3 insurance company submits that adequate compensation has been awarded for the death of deceased Ram Kumar.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 30.11.2011, in which Ram Kumar father of the appellants had died. Admittedly, the accident took place due to rash and negligent driving of the offending vehicle by driven by respondent No.1. The tribunal assessed income of deceased as Rs.6210/- per month i.e. Rs.74520/- per annum. Deceased was 55 years of age at the time of his death and after deducting 1/4th of the said amount towards his personal expenses, annual loss of dependency was assessed as Rs.55,890/-. After applying multiplier of '11', compensation was assessed as Rs.6,14,790/-. Rs.20,000/- was granted in conventional heads i.e. love and affection, funeral expenses and loss of estate and a total compensation of Rs.6,34,790/- was granted to the appellants. In my considered view, compensation granted under conventional heads is on the lower side. Therefore, the appellants would be entitled for another sum of Rs.40,000/- towards love and affection, funeral expenses and loss of estate. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

(RAJAN GUPTA)
JUDGE

August 23, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No